

REMARKS

After entry of this Amendment, the pending claims are: claims 2-5, 7-13, 15-18 and 25-27. The Office Action dated March 20, 2008 has been carefully considered. Claims 1, 6, 14, 19-24 and 28 have been canceled without prejudice. Claim 14 was previously canceled without prejudice. Claims 2-5, 7, 8, 11, 12, 15-17 and 25-27 have been amended. The Examiner is thanked for allowing independent claim 13. Claims 2-5, 7-12, 15-17 and 25-27 have all been amended to ultimately depend from independent claim 13. All remaining claims have been canceled. No new matter has been added. Reconsideration and allowance of the pending claims in view of the above Amendments and the following Remarks is respectfully requested.

In the Office Action dated March 20, 2008, the Examiner:

- rejected claims 1-13 and 15-27 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 7,014,608;
- rejected claim 28 under 35 U.S.C., first paragraph, for failing to comply with the enablement requirement.
- rejected 1-12, 15-18, and 20-28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,728,046 to Mayer *et al.* (“Mayer”) in view of U.S. Patent No. 7,261,688 to Smith *et al.* (“Smith”) and in view of U.S. Patent No. 5,027,793 to Engelhart *et al.* (“Engelhart”); and
- indicated that independent claim 13 was allowed.

TERMINAL DISCLAIMER

Claims 1-13 and 15-27 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 7,014,608. With respect to canceled claims 1, 6 and 19-24 this rejection is believed to be moot. With respect to pending claims 2-5, 7-13, 15-18 and 25-27 a timely filed Terminal Disclaimer in compliance with 37 CFR 1.321(c) or (d) is attached. Withdrawal of this rejection is respectfully requested.

INDEPENDENT CLAIM 13

The Examiner is thanked for allowing independent claim 13. Dependent claims 2-5, 7-12, 15-17 and 25-27 have been amended to ultimately depend from independent claim 13. All remaining claims have been canceled.

Therefore, it is believed that the present application is in proper form for allowance. Withdrawal of all remaining rejections and allowance of independent claim 13 and dependent claims 2-5, 7-12, 15-17 and 25-27 is respectfully requested.

CONCLUSION

A fee of \$130.00 is believed due for this submission for the filing of a Terminal Disclaimer. The Commissioner is authorized to charge this and any other fee which may now or hereafter be due in this application to Deposit Account No. 19-4709.

Application No. 10/645,136
Amendment filed April 11, 2008
Response to Office Action dated March 20, 2008

In the event that there are any questions, or should additional information be required, please contact Applicants' attorney at the number listed below.

Date: April 11, 2008

Respectfully submitted,

/Giuseppe Molaro/
Giuseppe Molaro
Registration No. 52,039

For: Brian M. Rothery
Registration No. 35,340

Attorney for Applicants
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, New York 10038
(212) 806-6114